

Performance Track Regulatory and Administrative Incentives

Membership in Performance Track provides you with regulatory and administrative benefits. EPA has established the policy to recognize facilities with strong environmental performance and commitments to go beyond regulatory requirements. Marketing the regulatory and administrative incentives that Performance Track offers to key decision-makers within your facility and company should help you build the consensus you need to apply for Performance Track. Currently, there are several federal incentives in place, and others in various stages of development. To view additional information on regulatory and administrative incentives, you can visit www.epa.gov/performance-track/benefits/regadmin.htm.

The following is a summary of incentives already implemented by EPA:

The incentives available now are reduced reporting frequency for minor air sources, an expedited NPDES permit renewal process, more favorable terms for Clean Water State Revolving Fund loans, an effluent guidelines planning process, reduced facility self inspections, an extended accumulation time for storing hazardous waste, and a low priority for routine inspections.

Air Incentives

- **Reduced Reporting Frequency for Minor Air Sources**—This provision reduces the frequency of reports required under the Maximum Achievable Control Technology (MACT) provisions of the Clean Air Act such that semi-annual reports may be submitted annually. The rule also allows for submitting an annual certification in lieu of an annual report in some circumstances. More information is available in the EPA fact sheet (see www.epa.gov/performance-track/benefits/regadmin/mact_factsheet.pdf).

Water Incentives

- **Expedited NPDES Permit Reviews**—Performance Track staff has worked with EPA's Office of Water to finalize a process to expedite the review of National Pollutant Discharge Elimination System (NPDES) permits held by Performance Track members.
- **Clean Water State Revolving Fund Program**—EPA encourages states to provide more favorable terms to Performance Track facilities in their Clean Water State Revolving Fund (CWSRF) programs. CWSRF programs use a combination of federal and state contributions to make low interest loans to interested parties for a variety of water quality projects dealing with municipal wastewater treatment projects, non-point sources, watershed protection or restoration, and estuary management. The incoming loan repayments are "recycled" into new loan disbursements for other water-related projects. The CWSRF loans can help Performance Track facilities achieve environmental commitments that are important to state and local environmental priorities. The support also could encourage facilities to increase their community involvement, perhaps helping to link facilities with watershed groups. Working with Performance Track facilities also allows states to support activities that are beyond regulatory requirements. More information is available in the EPA fact sheet (see www.epa.gov/owm/cwfinance/cwsrf/performance-track.pdf).
- **Effluent Guidelines Planning Process**—In its analyses to determine whether to develop or revise effluent guidelines for various industry sectors, Office of Water considers the sectors' voluntary efforts to reduce water pollution, such as EPA's facility improvements through programs like Performance Track (see www.epa.gov/guide/304m/304m20050920.pdf).



Waste Incentives

- **Less Frequent Self-inspections for Performance Track Facilities**—EPA published a proposed rule that would provide Performance Track RCRA facilities the opportunity to reduce self-inspections of certain types of hazardous waste units from daily or weekly to monthly. More information is available in the EPA Fact Sheet (see www.epa.gov/performance-track/benefits/regadmin/BRule_factsheet4-17-06.pdf).
- **Extended Hazardous Waste Accumulation Time**—This regulation allows large quantity generators of hazardous waste who are Performance Track members up to 180 days, and in some cases 270 days, to accumulate their hazardous waste without a RCRA (Resource Conservation and Recovery Act) permit or interim status. Facilities must notify their state to use this incentive. More information is available in the EPA Fact Sheet (see www.epa.gov/performancetrack/benefits/regadmin/factsheetRCRA.pdf).

Other Incentives

- **Low Priority for Routine Inspections**—Performance Track facilities are given a low priority for routine inspections by EPA. Senior enforcement officials in each EPA region are responsible for ensuring that this policy is implemented and appropriately incorporated into internal planning and accountability processes, as well as planning processes with states and localities.

The following is a summary of other regulatory efforts that EPA is developing:

Air Incentives

- **Flexible Permits**—EPA is developing a number of flexible air permits for Performance Track facilities that are “major sources.” The flexible permits typically include provisions that approve certain types of changes that would otherwise require a major

permit modification. Facilities with flexible permits usually make advance approved changes based on business conditions, without having to amend their permit. Flexible permits save facilities and states time and money. EPA is planning to hold informational workshops for permit writers and interested Performance Track facilities once the rule is published.

Water Incentives

- **Balancing NPDES Effluent and Ambient Monitoring**—Performance Track has been working with two Performance Track members to pursue opportunities for balancing effluent and ambient monitoring by their facilities, with the goal of providing more useful data for assessing the health of their watersheds, planning, and decision-making.

Waste Incentives

- **RCRA Incentives Rule**—EPA intends to propose a new rule for Performance Track facilities that generate, treat, store, or dispose of RCRA wastes. The rule would propose benefits such as streamlined permit modifications, performance-based tank standards, and a new type of standardized permit.

Other State and Partnership Program Incentives

- EPA’s Performance Track program is working with state partners to streamline state program application and reporting processes, reduce regulatory and administrative burdens placed on members, and develop and deliver meaningful incentives that encourage higher levels of performance. To help achieve these goals, EPA has thus far signed a Memorandum of Agreement (MOA) with twelve states—Colorado, Georgia, Maine, Massachusetts, Mississippi, Missouri, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin.